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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,924	10/01/2003	William E. Adams	030515	8273
23464	7590	11/03/2005		
BUCHANAN INGERSOLL, P.C. ONE OXFORD CENTRE, 301 GRANT STREET 20TH FLOOR PITTSBURGH, PA 15219			EXAMINER STERLING, AMY JO	
			ART UNIT 3632	PAPER NUMBER

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/676,924

Applicant(s)

ADAMS, WILLIAM E.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-33 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,11 and 16-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the first Office Action for application number 10/676,924, Door Hook with Hinge, filed on 10/1/03. Claims 1 and 3-33 are pending. Claims 4, 5, 11 and 16-33 are withdrawn.

This non-final action is in reply to the Appeal Brief, filed 8/29/05. Prosecution has been re-opened due to a new grounds of rejection.

#### ***Claim Objections***

Claims 1 and 9 are objected to because of the following informalities:

Claim 1, line 6 recites, "to an other edge" which should be changed to "to another edge".

Claim 9 recites, "on the back side which his positioned to" and should be changed to "on the back side which is positioned to".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

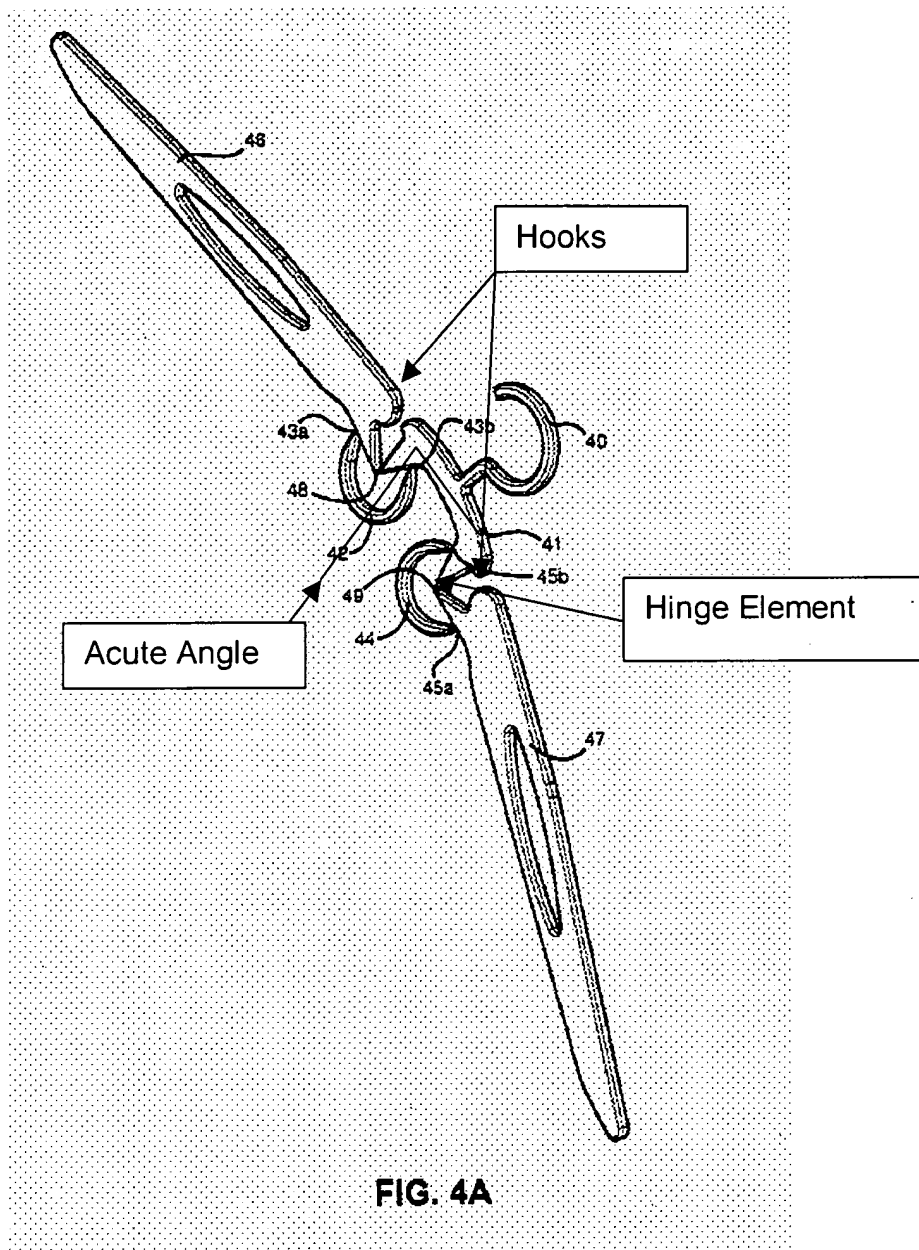
Claims 1, 3, 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 13-15 recites, "wherein the second hook member in the second position the second hook member and the front side and separated by a second distance less than the first distance." It is unclear what is meant by this phrase.

***Claim Rejections - 35 USC § 102***

Claims 1, 3, 8-11 and 13 rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No 6540121 to Harvey.

Harvey teaches a plastic hook having a U-shaped bracket having a top member (41) having a front side (See Drawing) having an inside surface, the front side which is attached at an acute angle to one edge of the top member, and a back side (46) having an inside surface, which is attached to an other edge of the top member opposite the one edge, wherein the front and back sides are separated by a first distance, a first hook member (See Drawing) attached to the front side, a spacing member (42) attached to the back side, a second hook member attached to the back side and a living hinge element (48) provided in the back side such that the second hook member is pivotable in a direction toward the front side from a first position in which the back side and the second hook are in a common plane to a second position which, in which the spacing member abuts the inside surface of the back side and faces the inside surface of the front side and the spacing member is 180 degrees apart in the first and second positions, and in the second position the second hook is substantially parallel to the back side and to the common plane of the first position, wherein with the second hook member in the second position the second hook member and the front side and separated by a second distance less than the first distance and a locking member on the back side and a locking member (60).



***Claim Rejections - 35 USC § 103***

Claims 6, 7, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6540121 to Harvey as applied to claims 1 and 10 above.

Harvey discloses the basic inventive concept with the exception that it does not specifically disclose that the plastic is styrene, polycarbonate or polypropylene or that the thickness of the top member is .05 to .08 inches.

It would have been obvious to one of ordinary skill in the art to have made the top member of any suitable plastic or dimension, in order to support a device of the size desired, the dimension being a design choice which would be obvious to optimize, since it has been long held that a suitable material or dimension is merely a design choice. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Harvey to have optimized the material or the dimensions of the device including having the thickness of approximately 0.050 to 0.080 inches.

***Response to Arguments***

The applicant has argued that the rejection under 35 USC 112, 2<sup>nd</sup> paragraph is improper, saying that the limitation that the "back side and the second hook are in a common plane" is not unclear. The applicant further states that the back side of the hook is in the same plane as the back side. The examiner agrees to retract the

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rejection of this limitation, with the clarification that "any" portion of the hook member may lie in a plane of the back side, in order to meet this limitation.

The applicant has also argued that the phrase "wherein with the second hook member in the second position the second hook member and the front side and separated by a second distance less than the first distance" remains clear because the examiner should have suggested changes to make it clearer. This is unpersuasive and should be corrected to state what it is that the applicant intends the limitation to be.

The other arguments are moot based on the new ground for rejection.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

  
Amy J. Sterling  
10/25/05